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09/858,148	05/15/2001	Simon Edwin Crouch	B-4180 618802-6	2505

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LADAS & PARRY

Suite 2100
5670 Wilshire Boulevard
Los Angeles, CA 90036-5679

EXAMINER

LE, NHAN T

ART UNIT

PAPER NUMBER

2685

11

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,148

Applicant(s)

CROUCH ET AL.

Examiner

Nhan T Le

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/15/01.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 13-18 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-18, 20 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3, 7, 8, 9, 11, 13, 15, 16, 20, 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Koshima et al (US 6,415,155).

As to claims 1, 16, Koshima teaches a method of retrieving location-related information using a mobile device having both two distinct communication sub-systems namely a cellular radio communication sub-system and a short-range communication sub-systems, the method involving:

- obtaining a locality indicator, using the cellular radio communication sub-system, the locality indicator indicating a current locality of the mobile device (see fig. 1, numbers 5A, 5B, 5C, col. 3, lines 37-48);

- extracting local information from transmitted data received from a transmission source by using the short-range communication subsystem, the local information being information other than location information (see fig. 1, numbers 6A, 6B, 6C, col. 3, line 49- col. 4, line 6); and

- using the locality indicator and local information in combination as characterising data to access a data record associated with the source of the transmitted data and then using that data record to retrieve specific information having a relation to the current location of the mobile device (see col. 4, lines 7-25).

As to claim 3, Koshima teaches a method according to claim 1, wherein the local information is an identifier of a short-range transmitter- the transmissions of which are received by the mobile device (see fig. 1, numbers 6A, 6B, 6C, col. 3, line 49- col. 4, line 6).

As to claim 7, Koshima teaches a method according to claim 1, wherein the specific information is location (see fig. 1, numbers 6A, 6B, 6C, col. 3, line 49- col. 4, line 6).

As to claim 8, Koshima teaches a method according to claim 1, wherein the specific information is information about the source that transmitted the local information to the mobile device (see fig. 1, numbers 6A, 6B, 6C, col. 3, line 49- col. 4, line 6).

As to claim 9, Koshima teaches a method according to claim 1, wherein the specific information is supplemental information about the same topic as the local information (see fig. 1, numbers 6A, 6B, 6C, col. 3, line 49- col. 4, line 6).

As to claim 11, Koshima teaches a method according to claim 1, wherein the locality indicator comprises an identifier of the current cell in which the mobile device is camped (see fig. 1, numbers 5A, 5B, 5C, col. 3, lines 37-48).

As to claim 13, 20, Koshima inherently teaches a method according to claim 1, wherein the short-range communication sub-system is a short-range radio transceiver.

As to claim 15, 21, Koshima teaches a method according to claim 1, wherein the obtained locality indicator and local information are stored in the mobile device and subsequently used to retrieve the specific information at a time convenient to the user (see fig. 5, col. 6, lines 12-39).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 4, 5, 17, 18, 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koshima et al (US 6,415,155) in view of Seraj (US 6,055,434).

As to claim 2, Koshima fails to teach a method according to claim 1, wherein the local information is information about a local business or landmark. Seraj teaches a method according to claim 1, wherein the local information is information about a local business or landmark (see col. 3, lines 23-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Seraj into the system of Koshima in order to provide coverage for a limited geographic area which is smaller than the cell area (as suggested by Seraj, see col. 3, lines 49-55).

As to claims 4, 17, Koshima fails to teach a method according to claim 1, wherein the accessing of the data record associated with the source of the transmitted data is effected by searching a database comprising a plurality of data records each associated

with a respective transmission source and each holding data transmitted by that source, each data record being further associated with a locality indicator indicative of the locality of the related source. Seraj teaches a method according to claim 1, wherein the accessing of the data record associated with the source of the transmitted data is effected by mapping table, application module comprising a plurality of data records each associated with a respective transmission source and each holding data transmitted by that source, each data record being further associated with a locality indicator indicative of the locality of the related source (see col. 5, lines 3-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Seraj into the system of Koshima so that the located information can be retrieved faster.

As to claims 5, 18, Seraj further teaches a method according to claim 4, wherein the database is held remotely, the mobile device using the cellular radio communication sub-system to pass the local information and locality indicator to a service system which then accesses the database to retrieve said specific information and return it to the device using the cellular radio communication sub-system of the latter (see col. 6, lines 8-35).

As to claims 22, 24, Koshima teaches a method of providing an information service comprising: storing a plurality of data records each associated with a respective fixed short-range transmitter and holding items of local information extracted from data transmitted by the corresponding transmitters, each data record being further associated with a locality indicator indicating the locality of the transmitter associated

with the record (see fig. 1, numbers 5A, 5B, 5C, col. 3, lines 37-48; numbers 6A, 6B, 6C, col. 3, line 49- col. 4, line 6). However, Koshima fails to teach a database storing and receiving a search request including a particular locality indicator and a particular item of local information and searching for a database match. Seraj teaches a database storing and receiving a search request including a particular locality indicator and a particular item of local information and searching the database for a match (see col. 5, lines 3-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Seraj into the system of Koshima so that the located information can be retrieved faster.

As to claim 23, 25, the combination of Koshima and Seraj further teaches a method according to claim 22, wherein the locality indicator is a location area or cell identifier for a mobile radio cell in which the corresponding transmitter is located (see fig. 1, numbers 5A, 5B, 5C, col. 3, lines 37-48).

As to claim 26, the combination of Koshima and Seraj further teaches a method according to claim 24, wherein the items of local information are identifiers of the respective related the short-range transmitters (see fig. 1, numbers 6A, 6B, 6C, col. 3, line 49- col. 4, line 6).

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koshima et al (US 6,415,155) in view of Seraj (US 6,055,434) and in further view of Asahi (EP 0785535).

As to claim 6, the combination of Koshima and Seraj fails to teach the database entries are distributed across multiple database servers on the basis of their respective

associated locality indicators, the appropriate server being accessed by the service system according to the locality indicator received from the mobile device. Asahi teaches the database entries are distributed across multiple database servers on the basis of their respective locality indicators, the appropriate server being accessed by the service system according to the locality indicator received from the mobile device (see col. 2, lines 52-59, col. 3, lines 2-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Asahi into the system of Koshima and Seraj in order to speed up the searching process.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koshima et al (US 6,415,155) in view of in view of Walsh (US 6,603,977).

As to claims 14, Koshima fails to teach a method of claim 1, wherein the short-range communication subsystem is an infrared based system. Walsh teaches the short-range communication sub-system is an infrared based system (see col. 9, line 64- col 10, line 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Walsh into the system of Koshima so that the mobile devices typically have the advantages of smaller size, lower cost.

Response to Arguments

Applicant's arguments with respect to claims 20-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 703-305-4538. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhan Le

Nguyen V
3-21-2004

NGUYENT.VO
PRIMARY EXAMINER